

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01272-CKK**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
TRANSPORTATION

Assigned to: Judge Colleen Kollar-Kotelly

Demand: \$0

Cause: 05:552 Freedom of Information Act

Plaintiff

AMERICAN OVERSIGHT

Date Filed: 05/31/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **Daniel Alexander McGrath**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-4213
Email: daniel.mcgrath@americanoversight.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth France
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-2465
Fax: (202) 871-6523
Email: beth.france@americanoversight.org
ATTORNEY TO BE NOTICED

Cerissa Cafasso
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
TRANSPORTATION**

represented by **Bradley P. Humphreys**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
(202) 305-0878
Fax: (202) 639-6066
Email: bradley.humphreys@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Leeson Sroka
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113

Date Filed	#	Docket Text
05/31/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF TRANSPORTATION (Filing fee \$ 400 receipt number 0090-5508716) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Cafasso, Cerissa) (Entered: 05/31/2018)
05/31/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 05/31/2018)
05/31/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zsth) (Entered: 05/31/2018)
05/31/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF TRANSPORTATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 05/31/2018)
06/06/2018	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 06/06/2018. (DM) (Entered: 06/06/2018)
06/07/2018	<u>5</u>	NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Entered: 06/07/2018)
06/26/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/4/2018. Answer due for ALL FEDERAL DEFENDANTS by 7/4/2018. (Attachments: # <u>1</u> Exhibit Ex A)(McGrath, Daniel) (Entered: 06/26/2018)
07/05/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF TRANSPORTATION.(Sroka, Scott) (Entered: 07/05/2018)
07/16/2018	<u>8</u>	ORDER. The parties shall file the schedule not later than AUGUST 15, 2018 . Signed by Judge Colleen Kollar-Kotelly on July 16, 2018. (lcckk1) (Entered: 07/16/2018)
07/16/2018		Set/Reset Deadlines: Joint Status Report due by 8/15/2018. (dot) (Entered: 07/17/2018)
08/15/2018	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (Sroka, Scott) (Entered: 08/15/2018)
08/28/2018		MINUTE ORDER: The Court has received the parties' <u>9</u> Joint Status Report. The parties are in the midst of meeting and conferring regarding potentially responsive records before identifying an appropriate production schedule. The parties shall have until SEPTEMBER 18, 2018 , to file a further Joint Status Report, which shall identify the parties' progress in narrowing the scope of potentially responsive records and shall propose a production schedule. Signed by Judge Colleen Kollar-Kotelly on August 28, 2018. (lcckk1) (Entered: 08/28/2018)
08/28/2018		Set/Reset Deadlines: Joint Status Report due by 9/18/2018. (dot) Modified on 9/12/2018 to correct date (dot). (Entered: 08/31/2018)
09/18/2018	<u>10</u>	Joint MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. DEPARTMENT OF TRANSPORTATION (Sroka, Scott) (Entered: 09/18/2018)
09/18/2018		MINUTE ORDER: The Court has received the parties' <u>10</u> Joint Motion for Extension of Time to File Status Report. That Joint Status Report is otherwise due on September 18, 2018. The parties seek an extension of three days in order to identify a proposed production schedule for documents responsive to Plaintiff's FOIA request. The parties fail to acknowledge that they have not abided by the Court's standing order, ECF No. <u>4</u> , which indicates that "[m]otions for extensions of time must be filed at least four (4) business days prior to the first affected deadline." However, in light of the parties' joint request, the Court shall GRANT their <u>10</u> Joint Motion, for good cause shown. The parties shall have until SEPTEMBER 21, 2018 , to submit their next Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on September 18, 2018. (lcckk1)

		(Entered: 09/18/2018)
09/19/2018		Set/Reset Deadlines: Joint Status Report due by 9/21/2018. (dot) (Entered: 09/20/2018)
09/21/2018	<u>11</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(McGrath, Daniel) (Entered: 09/21/2018)
10/01/2018		MINUTE ORDER: The Court has received the parties' <u>11</u> Joint Status Report, which indicates that Defendant has completed its searches and that the parties have agreed on the dates for interim and final productions. Plaintiff seeks production of certain quantities of documents by the respective dates. However, Plaintiff has not persuaded the Court that an order requiring production of these specified quantities is justified. Defendant shall make an interim production of responsive, non-exempt records to Plaintiff by NOVEMBER 1, 2018 . Defendant shall complete its production of all responsive, non-exempt records by DECEMBER 21, 2018 . Plaintiff requests that the parties file a further Joint Status Report no later than November 5, 2018. However, Plaintiff does not explain why such an interim report would be necessary. Accordingly, the parties shall file their next Joint Status Report by JANUARY 2, 2019 , identifying the results of Defendant's productions and proposing a schedule for further proceedings. Signed by Judge Colleen Kollar-Kotelly on October 1, 2018. (lcckk1) (Entered: 10/01/2018)
10/01/2018		Set/Reset Deadlines: Defendant shall make an interim production of responsive, non-exempt records to Plaintiff by 11/1/2018; Defendant shall complete its production of all responsive, non-exempt records by 12/21/2018; Joint Status Report due by 1/2/2019. (kt) (Entered: 10/01/2018)
10/15/2018	<u>12</u>	NOTICE of Appearance by Bradley P. Humphreys on behalf of U.S. DEPARTMENT OF TRANSPORTATION (Humphreys, Bradley) (Entered: 10/15/2018)
10/15/2018	<u>13</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to U.S. DEPARTMENT OF TRANSPORTATION. Attorney Scott Leeson Sroka terminated. (Sroka, Scott) (Entered: 10/15/2018)
12/26/2018	<u>14</u>	MOTION to Stay re Order,,,, of Joint Status Report Deadline by U.S. DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Text of Proposed Order)(Humphreys, Bradley) (Entered: 12/26/2018)
12/27/2018		MINUTE ORDER: The Court has received Defendant U.S. Department of Transportation's <u>14</u> Motion for Stay of the Deadline for Filing Joint Status Report in Light of Lapse of Appropriations. Defendant indicates that Plaintiff takes no position on a tolling of deadlines commensurate with a short lapse in appropriations to the U.S. Department of Justice, but opposes a longer stay into late January 2019. At this time, it is not possible to determine how long the lapse of appropriations will last. Accordingly, in an exercise of the Court's discretion, the Court shall GRANT Defendant's <u>14</u> Motion. The Court shall STAY the deadline for the Joint Status Report otherwise due by January 2, 2019. The deadline is tolled commensurate with the length of the lapse of appropriations to the U.S. Department of Justice. The parties shall file a notice within two business days of the restoration of the U.S. Department of Justice's funding and the resumption of its operations. Signed by Judge Colleen Kollar-Kotelly on December 27, 2018. (lcckk1) (Entered: 12/27/2018)
01/28/2019	<u>15</u>	NOTICE (Joint) of Restoration of Appropriations by U.S. DEPARTMENT OF TRANSPORTATION (Humphreys, Bradley) (Entered: 01/28/2019)
01/29/2019		MINUTE ORDER: The Court has received the parties' <u>15</u> Joint Notice to the Court of Restoration of Appropriations. Accordingly, the Court hereby LIFTS the stay in this matter, and recognizes the revised deadline for the parties' next Joint Status Report as FEBRUARY 6, 2019 . Signed by Judge Colleen Kollar-Kotelly on January 29, 2019. (lcckk1) (Entered: 01/29/2019)
02/06/2019	<u>16</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 02/06/2019)
02/06/2019		MINUTE ORDER: The Court has received the parties' <u>16</u> Joint Status Report, which indicates that Defendant has completed its production and will provide a draft <i>Vaughn</i> index to facilitate the parties' further discussions. Accordingly, the Court shall adopt

		the parties' proposal that they submit a further Joint Status Report by MARCH 22, 2019 , regarding the status of the case and their proposal for any further proceedings. Signed by Judge Colleen Kollar-Kotelly on February 6, 2019. (lcckk1) (Entered: 02/06/2019)
02/06/2019		Set/Reset Deadlines: Joint Status Report due by 3/22/2019, regarding the status of the case and their proposal for any further proceedings. (dot) (Entered: 02/07/2019)
03/22/2019	<u>17</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 03/22/2019)
04/01/2019		MINUTE ORDER: The Court has received the parties' <u>17</u> Joint Status Report. Although the parties do not comment on the draft <i>Vaughn</i> index that was forthcoming as of their last <u>16</u> Joint Status Report, they indicate that they want to confer in an effort to narrow remaining issues. Accordingly, the Court shall adopt the parties' proposal that they submit a further Joint Status Report by APRIL 25, 2019 , regarding the status of this case and their proposal for any additional proceedings. The parties shall file a further Joint Status Report no later than every thirty days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on April 1, 2019. (lcckk1) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines: Joint Status Report due by 4/25/2019, regarding the status of this case and their proposal for any additional proceedings. (dot) (Entered: 04/02/2019)
04/25/2019	<u>18</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 04/25/2019)
05/08/2019	<u>19</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 05/08/2019)
06/07/2019	<u>20</u>	Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 06/07/2019)
06/10/2019		MINUTE ORDER: The Court has received the parties' <u>18</u> – <u>20</u> Joint Status Reports, which indicate that the parties made some progress in resolving further issues in this matter but that summary judgment briefing is required to resolve the issues that remain. Accordingly, the Court adopts the parties' proposed briefing schedule in the accompanying Scheduling and Procedures Order. Signed by Judge Colleen Kollar-Kotelly on June 10, 2019. (lcckk1) (Entered: 06/10/2019)
06/10/2019	<u>21</u>	SCHEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on June 10, 2019. (lcckk1) (Entered: 06/10/2019)
06/10/2019		Set/Reset Deadlines: Plaintiff's Cross Motion due by 8/16/2019. Response to Cross Motions due by 9/16/2019. Reply to Cross Motions due by 10/6/2019. Defendant's Summary Judgment Motion due by 7/17/2019. Response to Motion for Summary Judgment due by 8/16/2019. Reply to Motion for Summary Judgment due by 9/16/2019. (dot) (Entered: 06/12/2019)
07/17/2019	<u>22</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Bell Declaration, # <u>3</u> Exhibit Sullivan Declaration, # <u>4</u> Statement of Facts, # <u>5</u> Text of Proposed Order)(Humphreys, Bradley) (Entered: 07/17/2019)
08/05/2019	<u>23</u>	NOTICE of Appearance by Elizabeth France on behalf of AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 08/05/2019)
08/09/2019	<u>24</u>	Cross MOTION for Summary Judgment by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration & Ex. 1, # <u>3</u> Text of Proposed Order, # <u>4</u> Statement of Facts)(McGrath, Daniel) (Entered: 08/09/2019)
08/09/2019	<u>25</u>	Memorandum in opposition to re <u>22</u> MOTION for Summary Judgment filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Declaration & Ex. 1, # <u>2</u> Text of Proposed Order, # <u>3</u> Statement of Facts)(McGrath, Daniel) (Entered: 08/09/2019)
09/16/2019	<u>26</u>	REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF TRANSPORTATION. (Humphreys, Bradley) (Entered: 09/16/2019)

09/16/2019	<u>27</u>	Memorandum in opposition to re <u>24</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF TRANSPORTATION. (Humphreys, Bradley) (Entered: 09/16/2019)
10/09/2019	<u>28</u>	REPLY to opposition to motion re <u>24</u> Cross MOTION for Summary Judgment filed by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 10/09/2019)